

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

FAYSAL SALIM MUHAMMAD,)	
Petitioner,)	C.A. No. 22-184 Erie
)	
v.)	District Judge Susan Paradise Baxter
)	Magistrate Judge Richard A. Lanzillo
BARRY SMITH, et al.,)	
Respondents.)	

MEMORANDUM ORDER

This *pro se* action for habeas corpus relief was originally filed on June 21, 2022, by Petitioner Faysal Salim Muhammad, an inmate incarcerated at the State Correctional Institution at Houtzdale, Pennsylvania ("SCI-Houtzdale"). In his habeas petition, Petitioner argues that his criminal trial counsel "was ineffective in failing to file a suppression motion thereby rendering the guilty plea as subject to challenge as unknowing and involuntary." (ECF No. 4, at p. 5). The petition was referred to Chief United States Magistrate Judge Richard A. Lanzillo, for report and recommendation in accordance with the Magistrate Judges Act, 28 U.S.C.


§ 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrate Judges.

On January 12, 2024, Chief Magistrate Judge Lanzillo issued a Report and Recommendation ("R&R") recommending that the petition be denied and that the issuance of a Certificate of Appealability be denied [ECF No. 18]. In particular, Judge Lanzillo concluded that the Pennsylvania Superior Court's application of the two-prong inquiry established by the Supreme Court in Strickland v. Washington, 466 U.S. 668 (1984), was not unreasonable. Objections to the R&R were due to be filed by February 28, 2024, after Petitioner was granted a thirty-day extension [ECF No. 20]; however, no objections have been received from Petitioner.

Thus, after *de novo* review of the petition and documents in the case, together with the report and recommendation, the following order is entered:

AND NOW, this 18th day of April, 2024,

IT IS HEREBY ORDERED that the within petition for a writ of habeas corpus is DISMISSED, with prejudice, and that a Certificate of Appealability is DENIED. The report and recommendation of Chief Magistrate Judge Lanzillo, dated January 12, 2024 [ECF No. 18], is adopted as the opinion of this Court. As there are no further matters pending before the Court relative to the instant petition, the Clerk is directed to mark this case "CLOSED."


SUSAN PARADISE BAXTER
United States District Judge

cc: The Honorable Richard A. Lanzillo
Chief United States Magistrate Judge

All parties of record